IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 34369 of 2006(N)

PETITIONER:

MELCOME D'SILVAS, AGED 30 YEARS,
S/O. ANTONY D'SILVA, KALATHIPRAMBU HOUSE,
ERNAKULAM.

BY ADV. SMT.T.B.MINI

RESPONDENTS:

UNION BANK OF INDIA,
REP. BY ITS MANAGER, MARINE DRIVE BRANCH, KOCHI.

BY ADV. SRI.A.S.P.KURUP, SC, UBI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the notice dated 14-11-2006 issued by the respondent.

Ext.P2: True copy of the statement of deposits in loan TLP04 A/C No.407906140002048 from the bank.

Ext..P3: True copy of the bill of the deposit of Rs.30,000/- on 14-11-2006 and on 7-12-2006.

// True copy //

P.A. to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.34369 OF 2006

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Dated this the 22nd day of January 2007

JUDGMENT

Heard counsel for the petitioner and Standing Counsel Sri.A.S.P.Kurup for respondent.

2. Petitioner paid Rs.10,000/- in terms of interim order dated 21-12-2006 and balance is stated to be around Rs.75,000/-. Since the loan is for small scale business and petitioner's business is photocopying, petitioner is granted instalment facility to clear the arrears in instalment of Rs.5,000/- each first of which will be paid on or before 20th February 2007 and balance will be paid on or before 20th of every succeeding month until arrears are fully cleared. There will be a direction to Bank to charge only simple interest on accrued arrears. No default or penal interest should be charged if payment schedule is maintained as above. If payment is not made as above or if default is committed, all incentives granted above including instalment facility will stand automatically vacated on first default and bank is free to proceed for recovery.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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